

**RULES
OF
TENNESSEE BOARD OF EXAMINERS
FOR LAND SURVEYORS**

**CHAPTER 0820-4
RULES OF PROFESSIONAL CONDUCT**

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0820-4-.01 APPLICABILITY.

The provisions of this chapter shall apply to any person registered to practice land surveying in this state, and to any partnership or corporation engaged in the practice of surveying in this state. For the purpose of this chapter, unless the context otherwise requires, the word "registrant" includes any person, partnership, or corporation.

Authority: *T.C.A. §§62-18-105(d) and 62-18-106(c).* **Administrative History:** *Original rule filed November 20, 1991; effective January 4, 1992.*

0820-4-.02 PROPER CONDUCT OF PRACTICE.

- (1) The registrant shall at all times recognize the primary obligation to protect the safety, health and welfare of the public in the performance of the registrant's professional duties.
- (2) A registrant possessing knowledge of a violation of *T.C.A. §§Title 62, Chapter 18*, or any rules promulgated thereunder, should report such knowledge to the Board in writing and should cooperate with the Board in furnishing such further information or assistance as it may require.

Authority: *T.C.A. §§62-18-105(d) and 62-18-106(c).* **Administrative History:** *Original rule filed November 20, 1991; effective January 4, 1992.*

0820-4-.03 SERVICE IN AREAS OF COMPETENCE.

- (1) The registrant shall perform his services only in areas of his competence.
- (2) The registrant may accept an assignment requiring education or experience outside of his own field of competence, but only to the extent that his services are restricted to those phases of the project in which he is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.
- (3) The registrant shall not affix his signature and/or seal to any plan or document dealing with subject matter in which he lacks competence acquired through education or experience, nor to any plan or document not prepared by him or under his supervision.
- (4) In providing services, the registrant shall take into account all applicable laws and regulations. The registrant shall not knowingly provide services resulting in violation of such laws and regulations.
- (5) Incompetence. The following acts or omissions, among others, may be deemed to be "incompetence" for the purposes of *T.C.A. §§62-18-116(a)(1)(B)*, and to be cause for denial, suspension or revocation of a certificate of registration to practice land surveying.

(Rule 0820-4--03, continued)

- (a) Malpractice. Incompetence includes, but is not limited to recklessness, or excessive errors or omissions in the registrant's record of professional practice.
- (b) Disability. Incompetence includes but is not limited to mental or physical disability or addiction to alcohol or drugs as to endanger health, safety and interest of the public by impairing skill and care in providing professional services.

Authority: T.C.A. §§62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992.

0820-4-.04 PUBLIC STATEMENTS.

- (1) The registrant shall be completely objective and truthful in all professional reports, statements, or testimony. He shall include all relevant and pertinent information in such reports, statements, or testimony.
- (2) The registrant, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his testimony.

Authority: T.C.A. §§62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992.

0820-4-.05 CONFLICTS OF INTEREST.

- (1) The registrant shall conscientiously strive to avoid conflict of interest with his employer or client; but, when such conflict is unavoidable, the registrant shall forthwith disclose the circumstances to his employer or client.
- (2) The registrant shall avoid all known conflicts of interest with his employer or client, and shall promptly inform his employer or client of any; business association, interests, or circumstances which could influence his judgment or the quality of his services.
- (3) The registrant shall not accept compensation (financial or otherwise) from more than one party for services on or pertaining to the same project rendered in the same time frame, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.
- (4) When engaged in public service on a project as a member, advisor, or employee of a governmental body or department, the registrant and his organization shall not perform services for any other client regarding or connected to said project.

Authority: T.C.A. §§62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992.

0820-4-.06 ACCEPTANCE OF WORK.

- (1) The registrant shall not offer or make payment of any consideration, either directly or indirectly, by way of commission, political contribution, gift, or by any other means in order to secure work; provided, however, that nothing in this provision prohibits a registrant from seeking a salaried position through legitimate employment agencies.
- (2) The registrant shall not falsify or permit misrepresentation of his or his associates' academic or professional qualifications. He shall not misrepresent or exaggerate his degree of responsibility in

(Rule 0820-4--.06, continued)

or for the subject matter or prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, associates, joint ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.

- (3) The registrant shall not request, propose, or accept a professional commission on a contingent basis under circumstances in which his professional judgment may be compromised.

Authority: *T.C.A. §§62-18-105(d) and 62-18-106(c).* **Administrative History:** *Original rule filed November 20, 1991; effective January 4, 1992.*

0820-4-.07 MISCONDUCT.

- (1) The registrant shall not knowingly associate with, or permit the use of his name or firm name in, a business venture by any person or firm which he knows, or has reason to believe, is engaging in business or professional practice of a fraudulent or dishonest nature.
- (2) The registrant shall not furnish limited services in such a manner as to enable unregistered persons to evade:
 - (a) federal, state and local surveying and planning laws and regulations, or
 - (b) registration requirements of *T.C.A.*, Title 62, Chapter 18.
- (3) Misconduct. The following acts, among others, may be deemed to be "misconduct" for the purposes of *T.C.A. §§62-18-116(a)(1)(B)*, and to be cause for denial, suspension or revocation of a certificate of registration to practice land surveying:
 - (a) Conviction in a court of competent jurisdiction of a felony.
 - (b) Revocation, suspension or voluntary surrender of a license or certificate of registration to practice land surveying in another jurisdiction.

Nothing in this paragraph should be construed as precluding the Board from deeming other acts and conduct to be "misconduct."

Authority: *T.C.A. §§62-18-105(d) and 62-18-106(c).* **Administrative History:** *Original rule filed November 20, 1991; effective January 4, 1992.*

0820-4-.08 SEALS.



- (1) The design of the registrant's seal required by *T.C.A. §§62-18-119*, shall be as follows:

(Rule 0820-4--08, continued)

- (2) The registrant shall stamp with his seal, all maps, plats, surveys and other documents issued in the course of his land surveying practice.
- (3) The registrant shall superimpose his signature (not a rubber stamp) and date of signature across the face and beyond the circumference of the seal on documents to which his seal is affixed.
- (4) No registrant shall affix his seal or signature to maps, plats, surveys or other documents developed by others not under his personal supervision and not subject to the authority of that registrant in critical professional judgments.
- (5) Personal Supervision. Maps, plats, surveys or other documents will be deemed to have been prepared under the personal supervision of a registrant only when:
 - (a) The client requesting preparation of such plans, specifications drawings, reports or other documents makes the request directly to the registrant's employee so long as the employee works in the registrant's place of business and not at a separate location;
 - (b) The registrant supervises the preparation of the maps, plats, surveys or other documents and has input into their preparation prior to their completion;
 - (c) The registrant reviews the final maps, plats, surveys or other documents; and
 - (d) The registrant has the authority to, and does, make any necessary and appropriate changes to the final maps, plats, surveys or other documents.

Authority: T.C.A. §§62-18-105(d), 62-18-106(c), and 62-18-119(d). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992.

0820-4.09 RESPONSIBLE CHARGE OF SERVICE.

Corporations, partnerships and firms maintaining any place of business in the state of Tennessee for the purpose of providing or offering to provide land surveying to the public, shall have in responsible charge of such service at any and each location a registered land surveyor who shall be employed full-time at such location.

Authority: T.C.A. §§62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992.